

REMARKS/ARGUMENTS

Claims 1-28 are pending in the present application.

The Examiner suggests that cross-references to other related application, in this case, the international application, be made in the specification. The specification has been so amended.

It is gratefully acknowledged that claims 6-9, 12-14, 16-22, 24, and 26-28 are allowed.

Claims 4, 11, and 14 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite, due to typographical errors with respect to the word “olanzapine”. Claims 4, 11 and 14 have been amended to correct these errors. It is respectfully requested that the rejection of claims 4, 11, and 14 under 35 U.S.C. §112, second paragraph, be withdrawn.

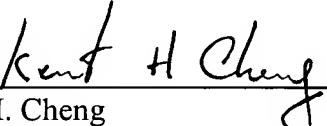
Claims 1-5, 10, 11, and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Bunnell et al., U.S. Patent 5,703,232. Claims 1-5, 10, 11, and 25 are directed to a process for the preparation of form 1 of olanzapine, comprising the step of crystallizing olanzapine in a solvent mixture which comprises 2-propanol. The Examiner states that Bunnell “teaches the compounds and process of preparing the compounds of the instant invention where olanzapine is mixed with 2-propanol.” We respectfully traverse.

Bunnell describes the preparation of the solvate of olanzapine, not olanzapine itself or crystalline form 1 of olanzapine. As stated in Bunnell at col. 1, lines 63-64, “the present invention provides a new method for preparing a lower alcohol solvate of olanzapine.” Form 1 of olanzapine recited in the claims 1-5, 10, 11, and 25 is not a solvate of olanzapine. Accordingly, Bunnell does not anticipate these claims. It is respectfully requested that the rejection of claims 1-5, 10, 11, and 25 under 35 U.S.C. §102(b) as being anticipated by Bunnell be withdrawn.

Claim 23 is rejected under 35 U.S.C. §102(b) as being anticipated by Charkrabarti et al., U.S. Patent 5,229,382. The Examiner states that Charkrabarti teaches the composition of olanzapine. Claim 23 is directed to a pharmaceutical composition which comprises crystalline form A of olanzapine characterized by a particular x-ray diffraction pattern. As noted in the present application on page 2, Charkrabarti describes a process for the production of olanzapine involving a crystallization from acetonitrile wherein the crystallized olanzapine exhibited a melting point of 195° C. See Charkrabarti at col. 9, lines 54-66. There is no teaching or suggestion in Charkrabarti that the crystallized olanzapine is in crystalline form A. Accordingly, it is respectfully requested that the rejection of claim 23 under 35 U.S.C. §102(b) as being anticipated by Charkrabarti be withdrawn.

If any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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